

## GUIDANCE DOCUMENT

Section 54.1-3500 of the Code of Virginia defines a “*certified substance abuse counselor*” as “*a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.*” However, there are no definitions in statute for either “*substance abuse counseling*” or “*state-approved public or private substance abuse program or facility.*” This has created difficulties for staff of the Departments of Health Professions and the Department of Mental Health, Mental Retardation and Substance Abuse Services in responding to public inquiries about where certified substance abuse counselors can provide services, and what kinds of services they can provide.

The following guidelines were developed to assist staff in both agencies in responding consistently to public inquiries.

1. “*State approved facility*” can be reasonably interpreted to mean any facility operated by an agency of state government, or a facility licensed by such an agency.
2. Licensure of a private, for-profit entity as a “program” or “facility” by DMHMRSAS does not confer a licensure-exempt status for the program or facility providing treatment to substance abuse clients. However, § 54.1-3500 authorizes certified substance abuse providers to work in state-approved facilities. A program or facility must have licensed staff as required by law to be considered for licensure by DMHMRSAS. Once the program or facility license is conferred, certified substance abuse counselors may be hired to provide substance abuse treatment services under the supervision of the licensed staff.
3. Vendors which are private and for profit, and which are not licensed as facilities or programs by DMHMRSAS may not hire certified substance abuse counselors to provide substance abuse treatment services.